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Statement of Rep. Christopher Shays March 7, 2006

Today we continue our examination of the intricate web of treaties, laws, regulations and industry practices intended to protect lives, rights and property in the maritime realm. As new threats against American citizens and American interests emerge in the post-9/11 era, we ask how effectively that legal umbrella protects the lives, rights and property of those traveling in international waters.

As we will hear in testimony today, the answer too often depends upon an unpredictable combination of facts, circumstance and happenstance that may, or may not, mean the protections of U.S. laws are available to those in peril on the sea. The fate of those gone missing, or the rights of those against whom a crime has been committed, may be determined by the nationality of those involved, the ship's national registry, or its exact location at the time of the incident.

Good luck to passengers wishing to understand their rights at sea. Even attorneys find it difficult to navigate the complex jurisdictional boundaries, statutory definitions, treaty provisions, maritime traditions and fine-print liability disclaimers.

Even when the law is clear, the effective reach of U.S. authority depends on the willingness and ability of cruise ship operators to make security a visible priority, recognize and report incidents, preserve evidence and conduct thorough on-board investigations.

Once cast adrift from the familiar moorings of U.S. laws and law enforcement, security personnel aboard these floating resorts become the only law to which passengers can look for help and protection. Are they trained and equipped to provide the security passengers have a right to expect?

For those waiting back on shore, any effort to determine what has happened to a friend or relative can also face daunting legal and corporate hurdles. A business built on the premise of pleasure-filled conveyance has little incentive to inform third parties when the trip goes wrong. Time, distance and legal uncertainties work to keep worried survivors at arms length. Some portray it as a stiff arm at that, extended in the interest of denying, delaying or discounting information about the inherent risks of sea travel.

Unlike shore-bound contracts for accommodation, the pact between cruise lines and their passengers should be read to include a duty to preserve evidence and provide information about the fate of those, however few, who have come to harm in isolated, unforgiving ocean environs.

After our previous hearing on these issues, the Subcommittee requested information on reports of crimes and missing persons from cruise ship operators. The information received so far suggests cruise travel may be statistically "safe" in terms of the number of serious incidents reported by the total number of passengers carried in any given year. But we look to our witnesses to put those numbers in context so the Subcommittee, and the traveling public, can make informed judgments about the relative security of an ocean voyage.

Today we will hear from three panels of witnesses: cruise passengers and family members, maritime security experts and cruise line operators.

Welcome to all our witnesses. We look forward to their testimony.